

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MELISSA JACKSON, et al.,

Plaintiffs,

- against -

WAL-MART STORES, INC.,

Defendant.

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VICTOR MARRERO, United States District Judge.

SDS SDNY

DOCKET

FILE NO. 10-CV-499-VM

DOC#:

DATE FILED: 1-7-11

10 Civ. 499 (VM)

**DECISION AND ORDER**

**I. BACKGROUND**

By Order dated December 6, 2010, Magistrate Judge Paul Davison, to whom this matter had been referred for supervision of pretrial proceedings, issued a Report and Recommendation (the "Report"), a copy of which is attached and incorporated herein, recommending that the claims of plaintiffs Nanette Barnes ("Barnes") and Elizabeth Rivera ("Rivera") in this action be dismissed with prejudice for failure to comply with a discovery order issued by the Court. Barnes and Rivera did not file objections to the Report and the deadline to do so expired on January 3, 2011. For the reasons stated below, the Court adopts the recommendation of the Report in its entirety.

**II. STANDARD OF REVIEW**

A district court evaluating a Magistrate Judge's report may adopt those portions of the report to which no "specific,

written objection" is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law. Fed. R. Civ. P. 72(b); see also Thomas v. Arn, 474 U.S. 140, 149 (1985); Greene v. WCI Holding Corp., 956 F. Supp. 509, 513 (S.D.N.Y. 1997). The Court is not required to review any portion of a Magistrate Judge's report that is not the subject of an objection. See Thomas, 474 U.S. at 149. A district judge may accept, set aside, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge as to such matters. See Fed. R. Civ. P. 72(b); DeLuca v. Lord, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994).

### **III. DISCUSSION**

Having conducted a review of the record of this litigation, including the pleadings and the papers considered in connection with this proceeding, as well as the Report and applicable legal authorities, the Court concludes that the findings and legal support for the recommendation of Report are not clearly erroneous or contrary to law and are thus warranted. Accordingly, for substantially the reasons set forth in the Report the Court adopts the Report's determinations, as well as its substantive recommendation, in their entirety as the Court's ruling on the matter.

**IV. ORDER**

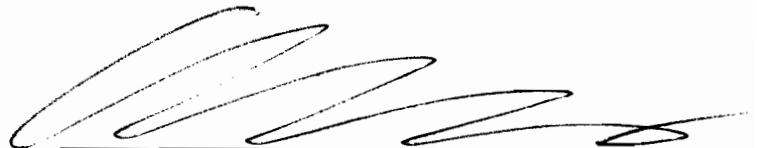
For the reasons discussed above, it is hereby

**ORDERED** that the Report and Recommendation of Magistrate Judge Paul Davison dated December 16, 2010 is adopted in its entirety, and the claims plaintiffs Nanette Barnes and Elizabeth Rivera are dismissed with prejudice.

The Clerk of Court is directed to terminate any pending motions and to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
7 January 2011

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Victor Marrero  
U.S.D.J.